



## **Police decentralisation**

### **Different levels of policing in the United States (USA)**

The USA has what may be the most decentralised police system in the world, characterised by an extraordinary degree of duplication and conflicting jurisdiction. Although every community is entitled to run its own police department, federal and state officials can still conduct local investigations into certain offenses. The police in the USA is mainly organised around:

- 1) Local-level police forces, including those of cities and townships as well as those of villages, boroughs and incorporated towns;
- 2) Sheriff departments and county police forces in several thousand counties;
- 3) Police forces and criminal investigation agencies established by each of the 50 states;
- 4) The federal system.

The existing American police structure reflects public opposition to any concentration of police power. It has been argued that local problems require local remedies and that the nation would suffer, and local governments be weakened, should all offenses become federal (national-level) offenses and all police powers be transferred to Washington, DC. The other side of the argument claims that the integration and consolidation of police forces would reduce costs and increase efficiency and consistency. As this debate continues, some small municipalities in the USA have chosen to maintain their own police forces while others have merged to form regional police departments.

#### **Local-level police**

The powers of local governments are usually similar to some that larger governments have, like raising taxes or setting up a police force. There are more municipal police departments in the US (over 15,000) than any other kind of police agency. About 800 municipal police departments have only one officer and 87% have 25 or fewer officers, but there also are some very large municipal police departments such as the New York City Police Department (NYPD) with about 40,000 regular officers and 13,000 special purpose officers. Larger forces have specialised units such as detective, forensic, intelligence, internal affairs, narcotics, organised crime, special weapons and tactics (SWAT) and traffic. Because of the Federal Government's approach to the 'war on drugs', many forces, even smaller ones, developed SWAT teams, leading to growing concerns over the militarisation of the police in the US.

The highly decentralised nature of policing in the USA results in vastly different approaches and levels of capacity. Particularly at a local level, issues such as training and equipment can vary widely, leading to inconsistent levels of service delivery. The recent [protests in Ferguson](#) highlighted that

many small police services use equipment received from the US military (uniforms, vehicles and weaponry no longer needed in Iraq and Afghanistan) without the restriction of a national minimum standard. As a result, the images of Ferguson showed what appeared to be heavily armed soldiers conducting 'stop and search' activities in a small American town, while they were in fact police officers attached to the small local force, amounting to approximately 50 officers.

### **County law enforcement**

Sheriffs are the top law enforcement officers at the county level. There are about 3,100 sheriffs in the US, most of whom are elected and exercise political control. Some counties have two sheriffs: one criminal and the other civil. Usually sheriffs are also responsible for running jails, collecting taxes and courthouse security. However, not all counties have a Sheriff's Office, larger counties tend to have County Police Departments run by a Chief of Police and some counties have both. County policing handles emergency calls in most jurisdictions.

County police tend to fall into one of three categories:

- Full-service departments: providing the full spectrum of police services to the entire county. In addition to traffic and crime control, they serve most warrants in the jurisdiction, run the jail and provide courthouse protection;
- Limited service departments: providing traffic and crime control with some additional duties;
- Restricted service departments: providing security to county owned and operated facilities and parks; may also conduct road patrols and provide support to municipal departments.

### **State law enforcement**

State police operate under a model of shared jurisdiction with municipalities and counties and have sub-national, territorial authority. In practice, state police can exercise jurisdiction over smaller forces if they want to.

Although state police usually come under the common umbrella term Department of Public Safety, each state has a somewhat different state police structure. There are 26 agencies called Highway Patrol and 23 called State Police. Highway Patrols usually limit their authority to patrolling state and federal highways. State Police function similarly to local agencies but with statewide jurisdiction. 35 states have additional agencies with police or investigative powers such as ABC (Alcohol Beverage Control), DCI (Department of Criminal Investigation), DMV (Department of Motor Vehicles) or SBI (State Bureau of Investigation). These agencies often share power with the state police under an umbrella organisation such as a Department of Public Safety.

### **Federal law enforcement**

The US constitution did not create a national police force but it gave the federal government power over a limited number of crimes. Over the years, this number has increased greatly, and the federalisation of law enforcement is an undeniable trend. There are approximately 60 different federal police agencies. There are also about 13 intelligence agencies that count as law enforcement

(although they do not have a law *enforcement* mandate), and also the military police. The Justice Department was created in 1870 and is responsible for enforcing laws passed by the US Congress (federal crimes). Its primary agencies are the Drug Enforcement Administration (DEA), the Federal Bureau of Investigation (FBI) and US Marshalls (judicial security).

### **The Federal Bureau of Investigation (FBI):**

The FBI has both intelligence and law enforcement responsibilities. It investigates specific crimes assigned to it and cooperates with other law enforcement agencies, and also gathers and analyses intelligence to better understand and combat the security threats facing the USA. The FBI investigates:

- violations of federal criminal laws, like the possession and sale of illegal drugs or computer-based crimes;
- domestic terrorist activities;
- hate crimes and other civil rights violations.

The FBI works closely with state and local law enforcement agencies, meaning that those who commit federal crimes may be prosecuted in state courts. FBI agents are bound by the same legal rules as other law enforcement agents:

- they are restricted as to the instances when deadly force may be used to apprehend a suspect;
- they must usually get a warrant to search premises for crime evidence or to conduct an arrest.

The biggest difference between the FBI and state and local police departments is the FBI's nationwide reach. However, state and local law enforcement agencies are not subordinate to the FBI and the FBI does not supervise or take over their investigations. Instead, the investigative resources of the FBI and state and local agencies are often pooled in a common effort to solve cases.

The FBI is led by a Director, appointed by the US President and confirmed by the Senate for a maximum of 10 years. Its headquarters are in Washington, DC with field offices in big cities. The FBI employs around 35,000 people, including 14,000 agents.

The FBI and the Central Intelligence Agency (CIA) are often compared as they are both members of the US Intelligence Community. The CIA, however, has no law enforcement function. The CIA collects and analyses information that impacts national security, only regarding foreign countries and citizens. Unlike the FBI, it is prohibited from collecting information regarding US persons or entities.

### **Other levels of decentralisation**

The USA also has complex systems of tribal law enforcement in and next to Indian land. Not all 341 federally recognised American Indian tribes have their own tribal police force, however. Some tribal agencies have arrest authority against tribal offenders but not all have arrest authority over non-Indians. The largest and most well-organised tribal police agency in the US is the Navajo Nation Police with 330 officers, 45 investigators and 279 civilians.

Law enforcement in universities is undertaken by university police who are responsible over campuses and surroundings. University police are sworn officers with full arrest powers but their exact legal status is unclear. University policing started during the student riots in the 1960/70s,

making riot control one of its first functions. The justification was that a quicker, different response than that of municipal police was needed. Despite their questionable status, many university police are armed.

## **Snapshots of various types of policing systems worldwide**

There is a common assumption that centralised police services, in exerting close control by headquarters over all policing activities, including operations, policy, procedure and programming conducted by smaller geographic divisions, enable a strong central control which decentralised models cannot sustain. However, hybrid models nuance this distinction. Some countries with federal political structures and police forces that operate on the same principles as those observed in the USA, in attempting to move away from the fragmentation characteristic of American policing, have adopted a model that blends strong central leadership with a limited number of regional police forces. This is the case in the UK, whose hybrid model combines elements of both centralised and decentralised models of policing.

### **United Kingdom (UK)**

The UK (ie. England and Wales; Scotland and Northern Ireland have slightly separate arrangements) policing system is based on 43 separate police forces, linked to specific geographic areas, with complete jurisdiction within their own area. Despite not being a federal country, the UK approach to policing is almost federalist when it comes to the operational independence of each of these separate forces. The UK also has a national level response to serious and organised crime. Local police forces are accountable to publicly elected Police Crime Commissioners (PCCs). Further details on their functions can be found in the annex attached. Despite a high degree of local autonomy in identifying policing priorities, decisions on national policy, training and equipment come from a centralised base called the College of Policing.

### **Canada**

The concepts of centralisation and decentralisation can be applied at different levels to policing in Canada, a federal country. At the national level, policing is relatively decentralised, with policing responsibility dispersed among ten provincial and many municipal governments, resulting in a large number of independent police agencies providing complete policing services to their geographical jurisdiction. On the other hand, there is a centralising element to Canadian provision of policing services, as in many jurisdictions it is carried out by the Royal Canadian Mounted Police which enforces federal law. Under the pressures of modernisation and professionalisation and the trend towards amalgamating municipalities, the broad structure of Canadian policing is becoming more centralised, as small, local police services are replaced by regional or provincial police agencies.

### **Brazil**

The police system of Brazil, a federal state, also features a balance between a central authority and a limited number of regional police forces. Three police forces operate at the federal level, under a central authority: the Federal Police, the Federal Highway Police and the Federal Railway Police. At the state level, the police force of each state is under the authority of the state's Secretariat for Public Security. Like many other countries of Latin America, Brazil also possesses a military police force that is controlled by the armed forces, like the gendarmeries in Europe. The military police is deployed in the various Brazilian states but it reports to central military headquarters.

### **India**

After independence in 1947, India, a federal country, established the All-India Services for public administration, including the Indian Police Service that trains officers for the police forces of the states and big cities. Although police leaders are trained at least in part by the Indian Police Service, the various states and main cities have different police forces with their own specific features, making for a complex policing structure. India also has central security agencies, such as the Border Security Force, the Central Reserve Police Force and the National Security Guard, which work on counterterrorism. Although they are national services, their members may be dispatched to particular areas to help solve local problems. This is a common feature in federal models, which can lead to problems of dislocation between the police and those being policed.

### **South Africa**

South Africa is an example of a federal state policed by one single force, the South African Police Service (SAPS), which conducts criminal investigation, intelligence and forensics at the national level and is also deployed in the provinces of the country. Whether operating at the national or provincial levels, SAPS is under the command of a single national commissioner. (Nigeria has a similar system)

### **Japan**

The police forces of Japan, which is not a federal country, are deployed in a number of regional police prefectures. Each regional force has a certain degree of autonomy. The police operate out of small police posts both in cities and in rural areas, maintaining unparalleled closeness to the communities they serve. The central government's National Police Agency exerts strong leadership over local police forces and promotes common standards. It also engages in secret intelligence gathering. Japanese policing methods were influential in the development of community policing in Anglo-Saxon countries. Police posts and storefronts, for example, were in part modeled on those existing in Japanese cities.